



14 JUL 2006

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In re Application of	:	DECISION ON
HEINZ BLÖMELING	:	
Serial No.: 10/566,013	:	
PCT No.: PCT/EP04/08202	:	PETITION UNDER
Int. Filing Date: 22 July 2004	:	
Priority Date: 25 July 2003	:	
Attorney's Docket No.: BLÖMELING-4 (PCT)	:	37 CFR 1.10(c)
For: SOUND-INSULATING COMPOSITE	:	
COMPONENT AND METHODS FOR THE	:	
PRODUCTION THEREOF	:	

This decision is in response to applicant's "PETITION TO ACCORD A CORRECT FILING DATE UNDER 37 CFR 1.10", filed 22 February 2006, to accord a filing date of 25 January 2006 to the above-identified application papers. No petition fee is required.

**BACKGROUND**

On 22 July 2004, applicant filed international application No. PCT/EP04/08202, which claimed a priority date of 25 July 2003 and which designated the United States. The deadline for payment of the basic national fee was to expire 30 months from the priority date, or on 25 January 2006.

On 25 January 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 22 February 2006, applicant filed the present petition, which included a copy of the Customer Receipt of the "Express Mail" mailing label #EV786960664US and a USPS Track and Confirm Statement.

**DISCUSSION**

A review of the application file reveals that the response to the Notification of Missing Requirements filed on 18 June 2004 is not located therein. A review of the USPTO finance records for this application does indicate that the surcharge for filing the oath or declaration after the thirty month was paid.

Applicant requests that the national stage papers be accorded a filing date of 25 January 2006. A review of the Express Mail label #EV786960664US reveals that it was addressed to the "Mail Stop PCT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450". The entry in the "Date In" box on the Express Mail Customer Copy indicates "1/26/06". A review of the USPS Track and Confirm Statement indicates that Express Mail label #EV786960664US was

accepted on 25 January 2006, at 4:41pm Roslyn, NY 11576.

This is sufficient evidence to establish with reasonable certainty that the national stage papers were deposited with the United States Postal Service as an "Express Mail" Mailing on 25 January 2006. Specifically, the Express Mail label #EV786960664US is the same number that appears on the Transmittal Letter. The indication of the "Express Mail" label number appearing on the Transmittal Letter ties the "Express Mail" label and the Transmittal Letter together such that it is clear that the national stage papers were deposited on 25 January 2006.

### **CONCLUSION**

Applicant's petition requesting that the national stage papers be accorded a receipt date of 25 January 2006 is **GRANTED**.

The application is being returned to the DO/EO/US for processing in accordance with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **25 January 2006**.



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